

JUSTIFICATION AND APPROVAL

USTRANSCOM JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION NATIONAL AFGHAN TRUCKING (NAT) SERVICE

National Afghan Trucking Services

1. CONTRACTING ACTIVITY

United States Transportation Command (USTRANSCOM), Directorate of Acquisition (TCAQ), Sealift Services Division, 508 Scott Drive, Building 1900W, Scott AFB IL 62225-5357.

2. NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED

Third Expeditionary Sustainment Command (3rd ESC) has a continuing requirement for a secure and reliable means of distributing reconstruction material, security equipment, fuel, miscellaneous dry cargo, and life support assets throughout the Combined Joint Operations Area – Afghanistan (CJOA-A) to and from Forward Operating Bases (FOBs), Combat Outposts (COPs), and other distribution sites. As U.S. Forces draw down in response to Presidential direction, this requirement will support the repositioning of equipment from various FOBs to central areas in preparation for further direction from national leaders. At this time, the level of support is not entirely known based on decisions pending the Afghanistan Government. This contract is designed to support current known contingencies regarding a rapid drawdown and potential residual forces.

The previous NAT services requirement was supported by a multiple-award Firm Fixed-Price indefinite delivery-indefinite quantity (IDIQ) contract awarded in Theater. Performance started on 16 September 2011 and expired on 14 June 2014. The requirement was supported by 13 contracts.

On 30 April 2014, USTRANSCOM awarded the follow-on contract to NAT, known as NAT II. This contract was designed to continue the services previously provided under NAT. On 15 May 2014 multiple contractors protested the NAT II award to the GAO. Several triggered the statutory Competition in Contracting Act (CICA) mandatory stay. This contract action is required as a result of the mandatory CICA stay and the need to continue the current contracts in support of forces in Afghanistan until the protests are resolved.

A total of nine Firm Fixed-Price IDIQ contracts were awarded; eight were awarded on 10 June 2014 and one awarded on 23 June 2014. The total estimated award amount for all contracts including options is \$ [REDACTED].

3. DESCRIPTION OF THE SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS

The National Afghan Trucking (NAT) program provides a secure and reliable means of distributing reconstruction material, security equipment, fuel, miscellaneous dry cargo, and life support assets throughout the Combined/Joint Operations Area-Afghanistan (CJOA-A) to and from Forward Operating Bases (FOBs) and Distribution Sites.

The contractor provides all services, including but not limited to, personnel, equipment, tools, materials, supervision, and other items necessary to provide the safe, timely and reliable ground transportation of US Government supplies and assets as above described. This includes proactive and competent management, well maintained logistics support resources, and trustworthy employees and subcontractors as necessary to facilitate dependable transportation of Government cargo from origin to destination. The contractor shall be responsible and accountable for the integrity of the entire transportation process and the protection of the cargo from loss or damage while in its care. The contractor shall ensure all customary licenses for doing business in Afghanistan are current and valid throughout the entire period of performance of this contract.

The complete USG transportation requirement is segregated into three suites of service, Bulk Fuel Transportation (Suite I), Dry Cargo (Suite II), and Heavy Cargo (Suite III). The suites of service have similar transportation Performance Work Statement (PWS) requirements, but require different types and classes of assets to move different classes of cargo.

The contractor is also required to provide In-Transit Visibility (ITV) transponders that fully integrate with the Government's Global Distribution Management System (GDMS), which is used to track trucking missions throughout the CJOA-A. The contractor must also ensure the transponders are not tampered with and remain operational during the entire cargo movement.

Pursuant to CENTCOM Policy, to be eligible for award in this bridge contract, contractors and subcontractors shall have and maintain an acceptable status in the Joint Contingency Contracting System (JCCS). This includes having the ability to enter DoD and coalition installations across the joint operating area as well as being found responsible by the contracting officer.

This program will be funded by 3rd ESC using Overseas Contingency Operations (OCO) funds and will be provided to USTRANSCOM via a Military Interdepartmental Purchase Request (MIPR). The funding for this program will be submitted to US Army Central Command (ARCENT) for approval through the Acquisition Review process.

The total period of performance for this bridge action is twelve (12) months, consisting of a six (6) month base period from 16 June 2014 through 15 December 2014 and one six (6) month option period from 16 December 2014 to 15 June 2015. The option period is designed as a safety net in the event additional time is necessary to conclude the GAO litigation or longer should additional litigation impact the contract start date.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

10 U.S.C. 2304(c)(1) as implemented by FAR 6.302-2(a)(2) “When the agency’s need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals, full and open competition need not be provided for.”

5. DEMONSTRATION THAT THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED

Due to ongoing operations in Afghanistan, the trucking services provided under NAT must continue. Any interruption in service would result in serious injury by impairing military operations. The GAO protest, resulting CICA stay, and the expiration of the previous NAT contract, leaves the Government no other option but to award multiple bridge contracts to certain carriers currently performing NAT services. This will ensure there is no break in service during the critical summer fighting season, ongoing drawdown of forces, and unknown transportation contingencies that may arise based on political decisions of the Afghanistan Government. Contractors previously operating under NAT had personnel and assets in place that could continue to perform when NAT expired on 15 June 2014. The GAO protest filed so close to the expiration of the contract period of performance does not permit a full and open competition. Further, the Government just concluded a full and open competition for these services, which was protested. A delay in the award of bridge contracts required to conduct a full and open competition would have significant operational impact on US operations in Afghanistan. USTRANSCOM solicited offers from as many of the current NAT contractor as practical and permitted by CENTCOM regulation and policy.

6. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE

Previous NAT contract awardees were considered to possess personnel, equipment, and other resources necessary to perform the required work. To ensure offers are solicited from as many potential offerors as practical under the existing time constraints, and subject to limitations set by CENTCOM policy and directives, offers were sought from eligible NAT incumbent contractors. Further discussion regarding sources sought is contained in Appendix A.

7. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE

The Government considered the previous NAT base year and option year prices fair and reasonable at the time of award based on adequate price competition (FAR 15.403-1(c)(1)(i)). This twelve (12) month bridge action contains the same terms and conditions as the NAT contract. Price analysis was performed for award of bridge contracts and prices were determined fair and reasonable.

8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS

Because these bridge contracts have the same terms and conditions as the NAT contract and NAT II contract currently under protest, the contracting officer had access to the market research for both procurements as well as current contracts and pricing.

The most recent market research for NAT II included information on various topics including, government contracting environment within Afghanistan, reports and analysis of the current and predecessor Afghan trucking contract (Host Nation Trucking), Afghan laws and licensing requirements, and other general information about transportation, the economy, and the security environment within Afghanistan.

9. OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMETITION

Not applicable.

10. A LIST OF THE SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AND INTEREST IN THE ACQUISITION

Not applicable.

11. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES REQUIRED

Not Applicable.

12. CONTRACTING OFFICER CERTIFICATION

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

JARRETT S. MOFFITT
LTC, LG
Contracting Officer

25 June 2014
Date

13. TECHNICAL/REQUIREMENTS PERSONNEL CERTIFICATION

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief

JEFFREY J. VIEIRA
COL, LG
Support Operations Officer

25 June 2014
Date

JUSTIFICATION AND APPROVAL

**USTRANSCOM JUSTIFICATION FOR
OTHER THAN FULL AND OPEN COMPETITION
NATIONAL AFGHAN TRUCKING (NAT) SERVICE**

Appendix A: See Classified Annex

CONTRACTING ACTIVITY: USTRANSCOM/TCAQ-I

PROGRAM/PROJECT: NATIONAL AFGHAN TRUCKING SERVICES

AUTHORITY: FAR 6.302-2(a)(2)

ESTIMATED CONTRACT COST: \$ [REDACTED]

REVIEW AND APPROVAL:

[REDACTED]

LTC JARRETT/S. MOFFITT
Contracting Officer

25 JUNE 14
Date

for [REDACTED]

CHARLES BURTON
Chief, Sealift Division

26 Jun 14
Date

[REDACTED]

JOHN T. HARRYMAN
Office of the Staff Judge Advocate

26 Jun 14
Date

[REDACTED]

JEFFERY T. BEYER
Chief, Business Support & Policy Division

26 Jun 14
Date

[REDACTED]

MICHELLE M. MENDEZ
Competition Advocate

26 Jun 14
Date

APPROVED:

[REDACTED]

TAMARA D. THOUVENOT
Head of Contracting Activity

26 Jun 14
Date